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Notice of Allowability	Application No.	Applicant(s)	
	10/682,345	SWARTZ ET AL.	
	Examiner	Art Unit	
	D. I. Lee	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/16/04.
2. ☒ The allowed claim(s) is/are 18-22 and 25-31.
3. ☒ The drawings filed on 09 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. ☐ Notice of References Cited (PTO-892) | 5. ☐ Notice of Informal Patent Application (PTO-152) |
| 2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. ☐ Examiner's Amendment/Comment |
| 4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. ☒ Examiner's Statement of Reasons for Allowance |
| | 9. ☐ Other _____. |

DETAILED ACTION

1. Receipt is acknowledged of the Amendment filed 16 December 2004. Claim 18 has been amended and no claims have been newly added. Currently, claims 18-22 and 25-31 are pending in this application.
2. Receipt is also acknowledged of two separate Terminal Disclaimers each filed 16 December 2004 to overcome the Double Patenting Rejection (37 CFR §1.321(c)). The terminal disclaimers filed on 16 December 2004 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of the full statutory term of U.S. Patent Nos. 6,119,944 and 6,655,597 has been reviewed and is accepted. The terminal disclaimers have been recorded.
3. Applicant's arguments filed 16 December 2004 have been fully considered with respect to Fig. 9 of IEEE, which the laser is always on and that the laser beam emitted by the always-on laser is deflected by the modulator and blocked or not-block by the shutter, thus the laser in IEEE is not pulsed (see applicant's remarks on page 5, filed on 12/16/04) and the applicant's arguments are persuasive.

Allowable Subject Matter

4. Claims 18-22 and 25-31 are allowed.
5. The following is an examiner's statement of reasons for allowance: the prior art of the records, Kahn, IEEE [Optical Raster Scanning Display Based on Surface-Micromachined Polysilicon Mirrors], Kajiki [Autostereoscopic 3-D Video Display Using Multiple Light Beams with Scanning, IEEE Transactions on circuits and System for Video Tech. Vol. 10, No. 2, March 2000-referred as Kajiki], and Plesko, alone or in combination with other references, fails to teach or fairly suggest the claimed electro-optical assembly of the portable instrument projecting a bit-mapped two-dimensional image by controlling the pulsing of the light source to cause pixels at selected position of the beam in the light path

Art Unit: 2876

to be illuminated during the display mode on a viewing surface remote from the indica, as set forth in the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is (571) 272-2399. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D. I. Lee
Primary Examiner
Art Unit 2876

D. L.